

AIR AMERICA

INC.

P.O. Box 1248
Saigon, Vietnam

Date: 21 December 1971

Ref.: HMSGN/71/507

[REDACTED]
via

John L. Williams
Contracting Officer's Technical Representative
Contract AID/VN-100
USAID/MACCORDS/MSD

Subject : Control and Inspection of Passengers and Luggage on Air America's
Domestic Flights Within Vietnam

- Reference :
- (1) Ordinance No. 349/MD/GTHD dated 4 April 1971
 - (2) Decision No. 2 of the TSN Airport Security Committee dated 4 June 1971
 - (3) Communique No. 4 of the TSN Airport Security Committee dated 4 October 1971
 - (4) Letter HMSGN/71/463 dated 1 December 1971
 - (5) Air Vietnam Letter No. HAVN/KC/624/322 dated 25 November 1971
 - (6) Letter No. 077/ANHK/KS of the Control Section TSN Airport Security Committee dated 1 December 1971

Dear [REDACTED]

Pursuant to reference (6) [REDACTED], accompanied by members of the Inspection Team, visited Air America's Passenger Traffic Terminal on 16 December 1971 to observe the methods and procedures utilized whereby our Company ensures effective implementation and adherence to Decision No. 2, and related documents, promulgated by the Airport Security Committee pertaining to the control and inspection of individuals manifested as passengers on Air America's domestic flight within the Republic. During the inspection, [REDACTED] the Inspection Team were thoroughly briefed by our Senior Traffic Manager and our Security Chief on the measures employed by Air America and its Sponsoring Agency to preclude attempts of violation or circumvention of the regulations presently in force.

As an officially U.S. Invited Contractor providing aircraft charter services solely and exclusively in support of the United States Government under the U.S. Economic and Assistance Program, Air America cannot solicit, offer or provide aircraft services to the general public; all passengers manifested on our domestic

flights are sponsored by the Air Operations Division, MACCORDS/MSD, and Air America, as the "carrier", is obliged by its contractual obligations to carry whomever its Contracting Agency dictates. It should be noted that the passengers carried aboard our aircraft are, for the most part, official employees of the United States Government, both civilian and military, and/or the Government of Vietnam. Because of this, positive control is exercised in that only properly documented and sponsored individuals possessing a valid requirement to travel are manifested as passengers to be carried aboard an Air America aircraft and then only after permission and authorization is granted by the Air Booking Office of MACCORDS/MSD Air Operations Division.

In the course of discussions [REDACTED] concerning the control procedures employed by Air America Traffic personnel relative to a passenger's pre-flight processing prior to being allowed to board an Air America aircraft, the following measures taken to ensure proper identification and control of passengers were explained; viz.:

- a. Any passenger, irrespective of nationality, desiring transportation on an Air America aircraft must submit a travel request through the office of his supervisor or department head to the Booking Office, MACCORDS/MSD, no later than three days prior to the date on which travel is desired. (Form VN-13).
- b. The travel request is reviewed by the Booking Office which, depending upon the urgency of the trip and the official station of the individual making the request, determines the priority status of the traveller and the flight to be taken.
- c. Upon the determination reached in "b", above, a passenger manifest is prepared and forwarded to Air America's Traffic Department which contains the passenger's name, identity card number, flight number, destination, etc. Copies of the manifest are provided the National Police and Military Police stationed at the main TSN Airport Control Point and to the National Police posted at Gate No. 3 (Air America).
- d. Upon arrival at the main Control Point, the police compare the individual's Identity Card number with that shown on the passenger manifest; if all is correct, the passenger is then allowed to proceed to Gate No. 3 (where his Identity Card is again scrutinized) and thence to the Air America Passenger Terminal to commence his pre-flight check-in formalities.
- e. When the passenger arrives at the Air America Traffic Terminal he presents his VN-13 Form to the Traffic Agent who compares the information contained therein with the individual's Identity Card and the passenger manifest prepared by the Booking Office to ensure that all is correct. At this time the passenger surrenders his VN-13 Form and is issued a numbered Condition of Carriage (which also serves as a Boarding Pass). At the same time the individual's luggage is weighed Baggage Claim tickets are issued to the passenger.

The luggage is then loaded aboard the aircraft under the supervision of Air America's Traffic and Security personnel.

- f. Upon the announcement of his flight's departure the passenger's Boarding Pass (Condition of Carriage) is inspected at the Departure Gate to confirm that its number appears beside the passenger's name in the passenger manifest.

The passenger is then escorted by the Traffic Agent and Security Agent to the aircraft where his Boarding Pass is again inspected before he is allowed to board the aircraft.

Just prior to the aircraft leaving the parking ramp, yet another spot check is made to ensure that all passengers are accounted for and that all is correct. If a positive determination is reached, the aircraft is then permitted to depart the area and taxi to the runway assigned for take off.

Note: The names of Air America's Traffic and Security personnel who are charged with the control of passengers were provided to the Airport Security Committee by reference (4).

We feel that the procedures followed by the Booking Office of MACCORDS/MSD and Air America Traffic and Security personnel provide a positive and effective control of passengers prior to their being allowed to board an aircraft assigned to any given flight. Moreover, the official status of passengers and the attendant security requirements and investigations conducted prior to their employment all but preclude the possibility that any untoward action will be attempted by an individual whose travel has been sponsored by his department head and approved by the Booking Office of Air Operations Division, MACCORDS/MSD.

For the above reasons, then, Air America requests that an exception be granted whereby Air America will be exempted from the requirement of filing a Control Log to the Control Office of the Airport Security Committee as contained in references (5) and (6). Please be assured that the measures and procedures now in effect for the control and inspection of passengers will remain in force and that Air America Traffic and Security personnel will exercise due caution and vigilance to obviate the possibility of any violation or attempted contravention of existing laws and regulations enacted and promulgated by competent authority of the Government of Vietnam.

Heretofore, Air America Traffic and Security personnel have not searched passengers' luggage or examined the contents thereof because our personnel possess no legal right or authority to exercise police control over our passengers nor has authorization ever been deputed to them by competent authority to exercise such control. Passengers authorized by MACCORDS/MSD Booking Office to travel aboard Air America's aircraft are either official employees of the United States Government and the Government of Vietnam or are individuals who have received sponsorship for such travel from agencies of those Governments. Indeed, in the case of United States citizen employees of the U.S. Government who are members of the Diplomatic Corps possessing immunity against search or seizure of their persons or possessions by virtue of reciprocal agreements between the United States Government and the Government of Vietnam relative to such matters; and because of the Pentilateral Agreement of 1950 relative to the status of U.S. Military Personnel and U.S. citizen employees of the U.S. Government in Vietnam, the persons exercising police control over this category of passengers are normally members of the U.S. Forces Military Police. In the case of Vietnamese passengers travelling aboard our aircraft, both

official employees of the GVN and those sponsored by agencies of the GVN, only agents of the National Police or other competent and authorized personnel of other GVN law enforcement agencies have jurisdiction over Vietnamese nationals. In both instances, we feel that it is inconsonant with our role and status under our contract with the United States Government to act on behalf of the Government of Vietnam and exercise police powers over either United States citizens or citizens of the Republic of Vietnam.

It should be noted that the primary purpose of Air America's Security Department is to safeguard Air America's property and to deter theft and vandalism; its "jurisdiction" is limited to the area assigned to Air America at Tan Son Nhut and only Air America employees are subject to its "control".

For the above reasons, therefore, we request that Air America be exempted from the requirement of examining its passengers' luggage and that a waiver be granted whereby its passengers will not be required to undergo such inspections on Air America's domestic flights within the Republic because of their official status as employees of the United States Government and/or the Government of Vietnam or by virtue of their sponsorship for travel aboard Air America's aircraft by agencies of said Governments. Please be assured that Air America will continue to comply with the GVN regulations in force relative to the control and inspection of passengers, and their luggage, travelling abroad on any Air America international flight.

Your consideration of our request at your earliest convenience will be appreciated.

Very truly yours,
AIR AMERICA, INC.

J. R. BARNHISEL
Base Manager Saigon
Air America, Inc.

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Base Manager - Saigon

Distribution:

[REDACTED]

Air Operations Division
MACCORDS/MSD

Air Operation Branch
American Embassy

cc: AARM SON
CSY SON
SRM SON
DSY TPE
DID TPE

[REDACTED]
CORDS File
U.S. Embassy File
Chrono File

Attachments: 1. Form VM-13
2. Condition of Carriage
3. Notice concerning Harmful Drugs